

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**BENNY YOUNG *et al.***

v.

**ANIMAL CONTROL DEPARTMENT  
*et al.***

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**CIVIL ACTION NO. 6:17cv23**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint, has been presented for consideration. The Report and Recommendation (Docket No. 11), filed on March 9, 2017, recommends that the complaint be dismissed for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

The Court received an acknowledgment of receipt revealing that the Report and Recommendation was delivered to Plaintiff Benny Young's residence prior to March 15, 2017. Online tracking additionally reveals that the Report and Recommendation was delivered to Plaintiff Hubert Seaton's address on March 13, 2017. No written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

**ORDERED** that the complaint is **DISMISSED** with prejudice pursuant to FED R. CIV. P. 12(b)(1) and 28 U.S.C. § 1915(d)(2).

**SIGNED** this 20th day of April, 2017.

*Robert W. Schroeder III*  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE